

Aug-22-06 07:58pm From-MC TET SERVICES

416 868 0673

T-716 P.001/014 F-215

Barristers & Solicitors Patent & Trade-mark Agents

McCarthy Tétrault LLP
Box 48, Suite 4700
Toronto Dominion Bank Tower
Toronto ON M5K 1E6
Canada

RECEIVED
CENTRAL FAX CENTER

McCarthy Tétrault

AUG 22 2006

Facsimile

August 22, 2006
CM# 123081-339668
TKID: 8916

14 Total number of pages including cover sheet.

If you have any problems receiving this
transmission, please telephone:
Central Fax Services at 416 601-7503

Original placed on file

Name:	From:	Telephone:	Fax:
To: U. S. Patent Office	U.S. Patent Office	703-308-6607	(571) 273-8300
		Telephone:	Fax:
From: Edward T. Fan		416-601-8452	416-868-0673

Commissioner for Patents
United States Patent and Trademark Office
Customer Window, Mail Stop AF
401 Dulany Street
Alexandria, Virginia 22314 U.S.A.

REST AVAILABLE COPY

In re Application of: KUHL, Timothy Harris
Serial No.: 10/023,643
Filed: December 21, 2001
Title: SYSTEM AND METHOD FOR MAPPING QUALITY OF
SERVICE LEVELS BETWEEN MPLS AND ATM
CONNECTIONS IN A NETWORK ELEMENT
Art Unit: 2616
Confirmation No: 6337

Please see the attached communication, including:
(1) Reply to Office Action dated June 22, 2006

(2) Transmittal Form PTO/SB/21

Certificate of Transmission:

Pursuant to 37 C.F.R. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at telephone number (571) 273-8300 on August 22, 2006.

Signature:

Name:

Date: August 22, 2006

TDO-RED #8332850 v. 1

PAGE 1/14 * RCVD AT 8/22/2006 8:04:24 PM [Eastern Daylight Time] * SVR:USPTO-EXRF-2/3 * DNIS:2738300 * CSID:4168680673 * DURATION (mm:ss):03:48

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/023,643

Filing Date

December 21, 2001

RECEIVED

CENTRAL FAX CENTER

First Named Inventor

KUHL, Timothy H.

Art Unit

2616

Examiner Name

SCHEIBEL, Robert C.

AUG 22 2006

Attorney Docket Number

123081-339668 (T01215-0083-US)

ENCLOSURES (Check all that apply)

Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Reply to Missing Parts/Incomplete Application
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____
 Landscape Table on CD

Remarks

 After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter
Other Enclosure(s) (please identify below):

BEST AVAILABLE COPY

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name McCarthy Tetrault LLP (Customer No. 27,155)

Signature

Printed name Robert H. Nakano

Date August 22, 2006

Reg. No. 46,498

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Edward T. Fan

Date August 22, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

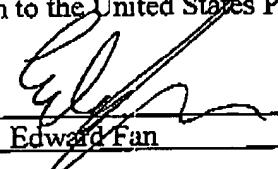
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

AUG 22 2006

Certificate of Transmission:

Pursuant to 37 C.F.R. s. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent Office at telephone number (571) 273-8300 on August 22, 2006.

Signature: Name: Edward FanDate: August 22, 2006IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<u>In re Application of:</u>	<u>KUHL, Timothy Harris</u>
<u>Serial No.:</u>	<u>10/023,643</u>
<u>Filed:</u>	<u>December 21, 2001</u>
<u>Title:</u>	<u>SYSTEM AND METHOD FOR MAPPING QUALITY OF SERVICE LEVELS BETWEEN MPLS AND ATM CONNECTIONS IN A NETWORK ELEMENT</u>
<u>Art Unit:</u>	<u>2616</u>
<u>Confirmation Number:</u>	<u>6337</u>
<u>Atty's Docket No:</u>	<u>123081-339668 (T01215-0083-US)</u>

Date: August 22, 2006

Commissioner for Patents
 United States Patent and Trademark Office
 Customer Window, Mail Stop AF
 Randolph Building, 401 Dulaney Street
 Alexandria, Virginia 22314
 U.S.A.

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action mailed June 22, 2006. This response is filed within two months from the date of the Action and is thus submitted within the shortened statutory period set for reply. If any extension of time is deemed required, Applicant hereby petitions for such extension. Commissioner is authorized to charge all fees relating to extensions to agent's deposit account no. 15-0633.

123081-339668
 TDO-RED #8332735

Application No. 10/023,643

- 2 -

Applicant herein cancels dependent claims 3, 9, 14 and 21, and adds new dependent claims 26 and 27. Applicant does not believe that any claims fees are payable, but if such fees are deemed payable, Commissioner is authorized to charge all fees relating to new claims, or any other fee deemed required, to agent's deposit account no. 15-0633.

Kindly amend the subject application as follows, in view of the comments set out herebelow.

Amendments to the Claims are reflected in the listings of claims which begins on page 3 of this paper.

Remarks begin on page 10 of this paper.

123081-339668
TDO-RED #8332735

PAGE 4/14 * RCVD AT 8/22/2006 8:04:24 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/3 * DNIS:2738300 * CSID:4168680673 * DURATION (mm:ss):03:48